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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,758	12/03/2004	Jens Ulrik Pedersen	112740-1042	6749
29177	7590	12/13/2007		
BELL, BOYD & LLOYD, LLP			EXAMINER	
P.O. BOX 1135			NGUYEN, KHAI MINH	
CHICAGO, IL 60690			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			12/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/516,758	PEDERSEN, JENS ULRIK	
	Examiner	Art Unit	
	Khai M. Nguyen	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/3/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement filed on 12/3/2004 have been considered by the examiner (see attached PTO-1449 form or PTO/SB/08A and 08B forms).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 15-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheha et al. (U.S.Pat-20030016804) in view of Straub (U.S.Pat-7142900).

Regarding claim 15, Sheha teaches a method for receiving location information, the method comprising:

receiving a message at a first terminal device indicating that a user of a second terminal device has pressed a talk button (not show) (abstract, [0020]), the message including a geographical location of the second terminal device (abstract, [0022]); and

indicating the geographical location of the second terminal device to a user of the first terminal device (abstract, [0022]).

Sheha fails to specifically disclose talk button. However, Straub teaches talk button (fig.2, PTT 38, col.6, line 64 to col.7, line 21). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Straub to Sheha to provide a radio with a single push-to-talk button or other input device that can be used to initiate transmission of both a voice communication and data.

Regarding claim 16, Sheha and Straub further teach a method for receiving location information as claimed 15, wherein the step of indicating further comprises one of:

indicating a direction of the first terminal device from the geographical location of the second terminal device (see Sheha, abstract, [0022]);

indicating a distance of the first terminal device from the second terminal device (see Sheha, [0015]);

indicating a geographical location of the first terminal device on a map together with the geographical location of the second terminal device (see Sheha, abstract, [0014]); and

indicating coordinates of both the first terminal device and the second terminal device (see Sheha, abstract, [0014]).

Regarding claim 17, Sheha and Straub further teach a method for receiving location information as claimed in claim 15, wherein the message is a Push-to-Talk over Cellular message (see Straub, fig.2, PTT 38, col.6, line 64 to col.7, line 21).

Regarding claim 18, Sheha and Straub further teach a method for receiving location information as claimed in claim 17, wherein the Push-to-Talk over Cellular message is one of a REFER message (see Straub, fig.2, PTT 38, col.6, line 64 to col.7, line 21), a Floor taken message and a Talk burst (see Straub, col.2, lines 59-63, col.5, lines 33-46).

Regarding claim 19, Sheha teaches a method for transmitting location information, the method comprising:

writing information into a message (not show), in response to a user of a first terminal device pressing a talk button (not show) (abstract, [0020]), the information describing a geographical location of the first terminal device (abstract, [0022]); and

transmitting the message to one of a second terminal device (abstract, [0022]) and a communications network (abstract, [0022]-[0023], [0025]).

Sheha fails to specifically disclose writing information into a message, and talk button. However, Straub teaches writing information into a message (col.2, lines 59-63, col.5, lines 33-46), and talk button (fig.2, PTT 38, col.6, line 64 to col.7, line 21).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Straub to Sheha to provide a radio with a single push-to-talk button or other input device that can be used to initiate transmission of both a voice communication and data.

Regarding claim 20, Sheha and Straub further teach a method for transmitting location information as claimed in claim 19, wherein the information describing the geographical location of the first terminal device is written into the message only if a parameter controllable by the user of the first terminal device shows that the geographical location may be indicated (see Straub, col.2, lines 59-63, col.5, lines 33-46, see Sheha, abstract, [0022])

Regarding claim 21, Sheha and Straub further teach a method for transmitting location information as claimed in claim 19, wherein the information describing the geographical location of the first terminal device is written into the message only if a parameter controllable by the user of the first terminal device shows that the geographical location may be indicated to another terminal device to which the message is to be sent (see Straub, col.2, lines 59-63, col.5, lines 33-46, see Sheha, abstract, [0022]).

Regarding claim 22, Sheha and Straub further teach a method for transmitting location information as claimed in claim 19, wherein the message is a Push-to-Talk over Cellular message (see Straub, fig.2, PTT 38, col.6, line 64 to col.7, line 21).

Regarding claim 23, Sheha and Straub further teach a method for transmitting location information as claimed in claim 22, wherein the Push-to-Talk over Cellular message is one of a REFER message (see Straub, fig.2, PTT 38, col.6, line 64 to col.7, line 21), a Floor taken message and a Talk burst (see Straub, col.2, lines 59-63, col.5, lines 33-46, see Sheha, abstract, [0022]).

Regarding claim 24, Sheha teaches a terminal device, comprising:

parts for receiving a message indicating that a user of a further terminal device has pressed a talk button (not show) (abstract, [0020]), the message including a geographical location of the further terminal device (abstract, [0022]); and

parts for indicating the geographical location of the further terminal device to a user of the terminal device (abstract, [0022]).

Sheha fails to specifically disclose talk button. However, Straub teaches talk button (fig.2, PTT 38, col.6, line 64 to col.7, line 21). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Straub to Sheha to provide a radio with a single push-to-talk button or other input device that can be used to initiate transmission of both a voice communication and data.

Regarding claim 25 is rejected with the same reasons set forth in claim 16.

Regarding claim 26 is rejected with the same reasons set forth in claim 17.

Regarding claim 27 is rejected with the same reasons set forth in claim 18.

Regarding claim 28, Sheha teaches a terminal device, comprising:

parts for writing information into a message (not show), responsive to a user of the terminal device pressing a talk button (not show) (abstract, [0020]), the information describing a geographical location of the terminal device (abstract, [0022]); and

parts for transmitting the message to one of a further terminal device (abstract, [0022]) and a communications network (abstract, [0022]-[0023], [0025]).

Sheha fails to specifically disclose parts for writing information into a message, and talk button. However, Straub teaches parts for writing information into a message (col.2, lines 59-63, col.5, lines 33-46), and talk button (fig.2, PTT 38, col.6, line 64 to col.7, line 21). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Straub to Sheha to provide a radio with a single push-to-talk button or other input device that can be used to initiate transmission of both a voice communication and data.

Regarding claim 29 is rejected with the same reasons set forth in claim 20.

Regarding claim 30 is rejected with the same reasons set forth in claim 21.

Regarding claim 31 is rejected with the same reasons set forth in claim 22.

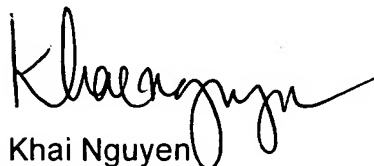
Regarding claim 32 is rejected with the same reasons set forth in claim 23.


Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571.272.7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Khai Nguyen
Au: 2617


CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER

11/29/2007